THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1728 OF 2005

Between:

A.V.Vijayalaxmi …Appellant

And

The Vasavi Cooperative Urban Bank Limited

And others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1728 OF 2005

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J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ):

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Heard learned counsel for the parties.

It appears that a writ petition is pending before the learned Singel Judge being W.P.No.13859 of 2004. The Court had earlier passed an order of stay, which was vacated by the impugned order and hence this writ appeal.

The appellant/writ petitioner was aggrieved of sale having been conducted by the respondents. Respondent No.3 was the highest bidder, who has deposited the bid

amount and the sale has been confirmed in his favour in July, 2004. In this view of the matter, the learned Single Judge found that the writ petitioner had come to the Court at a belated stage after confirmation of the sale, therefore, the petitioner had not a *prima facie* case or balance of convenience in her favour.

The auction was conducted on 28-06-2004. Respondent No.3 was the highest bidder. He paid the bid amount and the sale was confirmed in his favour. Therefore, as on today, the balance of convenience, equities and also the *prima facie* case is in favour of respondent No.3 rather than the appellant/writ petitioner. We do not find any ground to interfere in the discretion exercised by the learned Single Judge. The writ appeal is misconceived, which is accordingly dismissed. No order as to costs.

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(Bilal Nazki, ACJ)

27th September, 2005

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(R.Subhash Reddy,J)

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